

**Article 16.**

**Secondary Water Standards**

(1) Amend Section 64449 to read:

**64449. Secondary Maximum Contaminant Levels and Compliance.**

(a) The secondary MCLs shown in Tables 64449-A and 64449-B shall not be exceeded in the water supplied to the public by community water systems. ~~, because these constituents may adversely affect the taste, odor or appearance of drinking water.~~

**Table 64449-A**

**Secondary Maximum Contaminant Levels**

“Consumer Acceptance Limits Contaminant Levels”

<i>Constituents</i>	<i>Maximum Contaminant Levels/Units</i>
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Corrosivity	<del>Non-corrosive</del>
Foaming Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl- <i>tert</i> -butyl ether (MTBE)	0.005 mg/L
Odor—Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

**Table 64449-B**

Secondary Maximum Contaminant Levels –

“Consumer Acceptance Contaminant Level Ranges”

<i>Constituent, Units</i>	<i>Maximum Contaminant Level Ranges</i>		
	<i>Recommended</i>	<i>Upper</i>	<i>Short Term</i>
Total Dissolved Solids, mg/L or	500	1,000	1,500
Specific Conductance, <del>micromhos</del> <u>s/cm</u>	900	1,600	2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

~~(b) The secondary MCLs listed in Table 64449-A shall not be exceeded in:~~

~~(1) New community water systems.~~

~~(2) New sources developed for existing community water systems.~~

~~(3) Existing community water systems.~~

~~(c) Community groundwater systems~~

(b) Each community water system shall monitor its groundwater sources every three years and its approved surface water systems shall monitor sources annually for the following:

(1) Secondary MCLs listed in Tables 64449-A and 64449-B; and

(2) Bicarbonate, carbonate, and hydroxide alkalinity, calcium, magnesium, sodium, pH, and total hardness.

(c) If the level of any constituent in Table 64449-A exceeds an MCL, the community water system shall proceed as follows:

(1) If monitoring quarterly, determine compliance by a running annual

average of four quarterly samples;

(2) If monitoring less than quarterly, initiate quarterly monitoring and determine compliance on the basis of an average of the initial sample and the next three consecutive quarterly samples collected;

(3) If a violation has occurred (average of four consecutive quarterly samples exceeds an MCL), inform the Department when reporting pursuant to Section 64451;

(4) After one year of quarterly monitoring during which all the results are below the MCL and the results do not indicate any trend toward exceeding the MCL, the system may request the Department to allow a reduced monitoring frequency.

~~(d) In existing community water systems, if any MCL in Table 64449-A is exceeded, the water supplier may be required, following an investigation by the Department, to conduct a study.~~

~~(1) The investigation by the Department shall determine the extent of:~~

~~(A) Noncompliance with the MCLs.~~

~~(B) Consumer dissatisfaction which is based upon the secondary drinking water standards.~~

~~(2) The study conducted by the water supplier shall:~~

~~(A) Be conducted in a manner and in accordance with a schedule acceptable to the Department and be completed in a period of time not to exceed one year.~~

~~(B) Be made by persons acceptable to the Department.~~

~~(C) Determine the degree of consumer acceptance of the water supply.~~

~~(D) Investigate the causes and methods of correction, and estimate the cost of one or more alternative solutions.~~

~~(3) The results of the study conducted by the water supplier shall be made available to the:~~

~~(A) Users at an appropriately noticed public meeting.~~

~~(B) Department.~~

~~(C) Public Utilities Commission, if appropriate.~~

~~(e) The requirements of (b)(2) and (3) may be waived by the Department following the completion of an investigation as required in (d) based upon, but not necessarily limited to:~~

~~(1) Consumer acceptance of water not meeting the MCLs shown in Table 64449-A.~~

~~(2) Economic considerations.~~

~~(d f) For the constituents shown on Table 64449-B, no fixed consumer acceptance contaminant level has been established.~~

(1) Constituent concentrations lower than the recommended contaminant level are desirable for a higher degree of consumer acceptance.

(2) Constituent concentrations ranging to the upper contaminant level are acceptable if it is neither reasonable nor feasible to provide more suitable waters.

(3) Constituent concentrations ranging to the short term contaminant level

are acceptable only for existing community water systems on a temporary basis pending construction of treatment facilities or development of acceptable new water sources.

(e g) New services from community water systems serving water which carries constituent concentrations between the upper and short term contaminant levels shall be approved only:

(1) If adequate progress is being demonstrated toward providing water of improved mineral quality.

(2) For other compelling reasons approved by the Department.

(h f) A community water system may apply to the Department for a waiver from the monitoring frequencies specified in ~~paragraph~~ subsection (e b) of this section, if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and these analytical results are less than the MCLs. The water system shall specify the basis for its request. A system with a waiver shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).

(i g) Nontransient-noncommunity and transient-noncommunity water systems shall monitor for bicarbonate, carbonate, and hydroxide alkalinity, calcium, iron, magnesium, manganese, pH, specific conductance, sodium, and total hardness at least once. In addition, nontransient-noncommunity

water systems shall monitor for the constituents in Tables 64449-A and B at least once., as follows:

- ~~(1) All systems shall monitor all sources at least once.~~
- ~~(2) Surface water sources for parks and other facilities with an average daily population use of more than 1000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.~~

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116555 and 116610, Health and Safety Code.

(2) Adopt Section 64449.2 to read:

**64449.2. Waivers for Secondary MCL Compliance.**

(a) If the average of four consecutive quarters of sample results for a constituent that does not have a primary MCL is not greater than three times the secondary MCL or greater than the State Notification Level, an existing community water system is eligible to apply for a nine-year waiver of a secondary MCL in Table 64449-A, for the following:

(1) An existing source; or

(2) A new source that is being added to the existing water system, as long as:

(A) The source is not being added to expand system capacity for further development; and

(B) The concentration of the constituent of concern in the new source does not exceed the average value of the constituent's concentration in the existing water delivered by the system by more than 20%.

(b) To apply for a waiver of a secondary MCL, the community water system shall conduct and submit a study to the Department within one year of violating the MCL that includes the following:

(1) The water system complaint log, along with any other evidence of customer dissatisfaction, such as a log of calls to the county health department;

(2) An engineering report prepared by an engineer registered in California

and experienced in drinking water treatment that evaluates all reasonable alternatives and costs for bringing the water system into MCL compliance and includes a recommendation for the most cost-effective and feasible approach;

(3) The results of a customer survey distributed to all the water system's bill-paying customers that has first been approved by the Department based on whether it includes:

(A) Estimated costs to individual customers of the most cost-effective alternatives presented in the engineering report that are acceptable to the Department based on its review of their effectiveness and feasibility;

(B) The query: "Are you willing to pay for (*identify constituent*) removal treatment?";

(C) The query: "Do you prefer to avoid the cost of treatment and live with the current water quality situation?"

(D) The statement: "If you do not respond to this survey, (*insert system name*) will assume that you are in support of the removal treatment recommended by the engineering report."

(4) A brief report (agenda, list of attendees, and transcript) of a public meeting held by the water system to which customers were invited, and at which both the tabulated results of the customer survey and the engineering report were presented with a request for input from the public.

(c) A community water system may apply for a waiver for iron and/or manganese if, in addition to meeting the requirements in Subsection (b), an



average of four consecutive quarter results for the source has not exceeded a State Notification Level for iron and/or manganese. In addition, the system shall include sequestering, as follows:

(1) As one of the alternatives evaluated in the Engineering Report;

(2) In the customer survey as a query: "Are you willing to pay for iron and/or manganese sequestering treatment?"

(d) Unless 50% or more of the bill-paying customers respond to the survey, the community water system shall conduct another survey pursuant to Subsections (b) or (c) within three months from the date of the survey by sending the survey out to either all the customers again, or only the customers that did not respond to the survey. The water system shall not be eligible for a waiver until it achieves at least a 50% response rate on the survey.

(e) If the customer survey indicates that the percentage of bill-paying customers that voted for removal treatment and the number of bill-paying customers that did not respond to the survey at all exceeds 50% of the total number of bill-paying customers, the community water system shall install treatment, except as provided in Subsection (f), within three years from the date the system completed the customer survey, pursuant to a schedule established by the Department.

(f) For iron and/or manganese MCL waiver applications, if the percentage of survey respondents that voted for removal treatment plus the percentage

of survey respondents that voted for sequestering exceeds the percentage that voted to avoid the cost and maintain the current water quality situation, the community water system shall implement either removal treatment or sequestering, on the basis of which was associated with the higher percentage result. If the highest percentage result is for sequestering, the system shall submit a sequestering implementation and assessment plan to the Department that includes:

(1) A description of the pilot testing or other type of evaluation performed to determine the most effective sequestering agent for use in the system's water;

(2) The sequestering agent feed rate and the equipment to be used to insure that the rate is maintained for each source;

(3) An operations plan; and

(4) The projected cost of sequestering including capital, operations and maintenance costs.

(g) To apply for renewal of a waiver for a subsequent nine years, the system shall request approval from the Department at least six months prior to the end of the current waiver period. The renewal request shall include all monitoring and treatment operations data for the constituent for which the waiver had been granted and any related customer complaints submitted to the water system. Based on its review of the data and customer complaints, the Department may require the water system to conduct another customer survey pursuant to this section before making a determination on the waiver

renewal.

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116455, 116555 and 116610, Health and Safety  
Code.

(3) Adopt Section 64449.4 to read:

**64449.4. Use of Sources that Exceed a Secondary MCL and Do Not Have a Waiver.**

A source that exceeds one or more of the secondary MCLs in Table 64449-A and does not have a waiver may be used only if the source meets the requirements in Section 64414, and the community water system:

(a) Meters the source's monthly production and submits the results to the Department by the 10<sup>th</sup> day of the next month;

(b) Counts any part of a day as a full day for purposes of determining compliance with Section 64414(c);

(c) As a minimum, conducts public notification by including information on the source's use (dates, constituent levels, and reasons) in the Consumer Confidence Report (Sections 64480 through 64483);

(d) Provides public notice prior to use of the source by electronic media, publication in a local newspaper, and/or information in the customer billing, if the situation is such that the water system can anticipate the use of the source (e.g., to perform water system maintenance); and

(e) Takes corrective measures such as flushing after the source is used to minimize any residual levels of the constituent in the water distribution system.

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116555 and 116610, Health and Safety Code.